

**DIRECTOR DECISION 2017-16**

**of 1 August 2017**

**on the Rules of Procedure for the selection of Temporary and Contract Staff of the  
Agency for the Cooperation of Energy Regulators**

THE DIRECTOR OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators<sup>1</sup>, and, in particular, Article 17(5) thereof,

Having regard to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>2</sup> (hereinafter referred to as the “Staff Regulations” and “CEOS”, respectively), and, in particular, Articles 12 and 82 of the CEOS,

Having regard to Decision AB No 08/2015 of the Administrative Board of 11 June 2015 laying down general implementing provisions on the procedure governing the engagement and use of Temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union, and, in particular, Articles 2, 3, 4, 6, 7 and 11 thereof,

Having regard to Decision AB No 11/2011 of the Administrative Board of 1 June 2011 on the adoption of general implementing provisions on the procedures governing the engagement and the use of Contract staff, and, in particular, Article 5 thereof,

Having consulted the Staff Committee,

Whereas:

- (1) Selection procedures shall be organised to secure the services of staff of the highest standards of professionalism, skills and integrity, recruited on the broadest possible geographical basis from among nationals of the Member States of the European Union.
- (2) The Agency is an equal opportunities employer. Staff shall be selected without distinction on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.
- (3) The Agency shall act in a transparent and accountable manner in the course of the procedure for the selection of Temporary and Contract Staff,

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<sup>1</sup> OJ L211, 14.8.2009, p.1.

<sup>2</sup> OJ L 56, 4.3.1968, p. 1.

**HAS ADOPTED THIS DECISION:**

**Article 1**

The Rules of Procedure for the selection of Temporary and Contract Staff, as annexed to this Decision, are hereby adopted.

**Article 2**

Decision No 2014-06 of the Director of the Agency for the Cooperation of Energy Regulators of 4 April 2014 on guidelines on recruitment procedures and work of the Selection Committees for the selection of Temporary Staff and Contract Staff is hereby repealed.

**Article 3**

This Decision shall enter into force on the date of its adoption and shall apply to all selection procedures for which the Selection Committees have not yet been appointed and, for the parts which are relevant and to the extent possible, also to the ongoing selection procedures.

This Decision shall be communicated to the staff, brought to the attention of the Selection Committees and published on the intranet and website of the Agency.

Done at Ljubljana on 1 August 2017.

  
Alberto Pototschnig  
Director

**ANNEX**

**Rules of Procedure for the selection of Temporary and Contract Staff**

## **Chapter I - PUBLICATION AND CONTENT OF THE SELECTION NOTICE**

### **Article 1**

#### **Launching of the selection procedure**

1. A selection procedure shall be launched for the purpose of filling a vacant post or as a call for expression of interest to establish a reserve list aimed to address the needs of the Agency.
2. A selection procedure shall be launched following the approval of the selection notice<sup>3</sup> by the Authority Authorised to Conclude Contracts of Employment (hereinafter referred to as “AACC”).
3. The decision to launch a selection procedure shall be subject to the availability of budgetary appropriations and, for Temporary Agents, the availability of posts in the Establishment Plan of the Agency. In duly justified circumstances, a selection procedure can be launched with respect to posts which the Agency expects to become available.
4. Before deciding to fill a post through an external selection procedure, the AACC may consider whether the position can be filled by means of internal mobility, by using a reserve list established for a similar post or by means of the inter-agency job market.

### **Article 2**

#### **Content of the selection notice**

1. The selection notice shall be prepared by the Human Resources team in consultation with the recruiting Department, and it should be approved by the AACC before publication.
2. The selection notice shall specify:
  - a. The function group and grade of the post, and the duties and tasks of the position;
  - b. The requirements for the applications to be considered valid;
  - c. The eligibility criteria for the screening of applications and the selection criteria for the evaluation of applications;
  - d. Where relevant, the advantageous criteria for the evaluation of applications;
  - e. The knowledge of languages required in view of the interest of the service and, where applicable, in view of the special nature of the position;
  - f. The minimum number of points needed for a Candidate to be included in the reserve list, after the written examination and the oral interview, which is set to 70 out of 100 points or 70% of the total points;
  - g. An outline of the different steps of the selection and recruitment processes;

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<sup>3</sup> Selection notices may be issued when the Agency needs to fill a vacant post (vacancy notices) or to establish a reserve list of Candidates (notices to establish a reserve list)

- h. The conditions of engagement, as specified in Articles 12(2) and 82(3) of the CEOS;
- i. The rights and obligations, as specified in Articles 11 and 81 of the CEOS;
- j. The closing date for submitting the applications and instructions on how to apply and appeal.

### **Article 3**

#### **Publication of the selection notice**

- 1. The selection notice shall be published on the Agency's website and widely advertised having regard to the type of the post for which the selection is run.
- 2. In advertising the selection notices, the Agency shall publish all the relevant information related to the selection procedures, in order to guarantee that all Applicants have access to the same data, according to the principle of full transparency and equal treatment.
- 3. The selection notice shall remain published on the Agency's website for at least three calendar weeks before the closing date for applications. In the interest of the service, the deadline for submitting applications may be extended by decision of the AACC.

## **Chapter II - ESTABLISHMENT, OBLIGATIONS AND DECISIONS OF THE SELECTION COMMITTEE**

### **Article 4**

#### **Composition of the Selection Committee**

- 1. The AACC appoints the members of the Selection Committee for each selection procedure.
- 2. The Selection Committee shall be composed of at least three members and might be complemented by additional members. The AACC shall appoint one member from the recruiting Department, one member from the Administration Department and one member upon a proposal of the Staff Committee. Any additional member shall be appointed from another Department of the Agency.
- 3. In appointing the Selection Committee, the AACC shall give consideration to the diversity in its composition, fostering, to the extent possible, gender, age and geographical balance, together with the representativeness of the different Departments of the Agency.
- 4. Under specific circumstances, for example the selection of Temporary or Contract staff with a particular expertise or for senior management functions, the AACC may designate additional members of the Selection Committee from another European

Institution, Body, Agency, Office, subject to the Staff Regulations and the CEOS. The decision of the AACC shall be notified to the Staff Committee.

5. In case the Staff Committee fails to propose its representative within ten working days, following the invitation to propose a member for the Selection Committee, the third member shall be proposed by the Human Resources team and notified to the Staff Committee. The Human Resources team shall identify the Selection Committee's Secretary, who shall support the Selection Committee in line with Article 5 of these Rules of Procedure.
6. While appointing the Selection Committee, the AACC shall designate its Chairperson. The Chairperson shall be responsible for the coordination of the work of the Selection Committee, for the management of the selection procedure and for the correct implementation of these Rules of Procedure during the selection process.
7. All members of the Selection Committee shall be in a function group and grade at least equal to the function group and grade of the post for which the selection procedure is run and the Selection Committee appointed.
8. The members of the Selection Committee shall not be in any hierarchical relationship among them. Any deviation from this principle shall be subject to a reasoned decision of the AACC.
9. The composition of the Selection Committee shall remain unaltered for the entire duration of the selection procedure. Any change in the composition of the Selection Committee shall be subject to a reasoned decision of the AACC.
10. The names of the Selection Committee members shall be disclosed to the Candidates invited to the interview or made public before the selection tests via the Agency's website.

#### **Article 5 Secretariat**

1. The Human Resources team, represented by the Secretary, shall support the Selection Committee for all organisational and secretarial matters, such as the preparation of documentation and files, logistical support, communication with Applicants and Candidates.
2. The Secretary is subject to the same obligations as the Selection Committee members as defined in Article 6 of these Rules of Procedure.
3. The correspondence with all Applicants is handled by the Secretary on behalf of the Selection Committee.

**Article 6**  
**Obligations of the Selection Committee**

1. The Selection Committee is bound by the rules laid down in the Staff Regulations and the CEOS, the relevant General Implementing Provisions and the selection notice as published, and shall act in accordance with the principles of integrity, equal treatment, sound management, confidentiality, independence and impartiality. Each Selection Committee member signs a declaration of confidentiality.
2. In the performance of its duties, the Selection Committee shall not consider criteria other than those based on merit and those specified in the selection notice.
3. The members of the Selection Committee shall not take part in any selection procedure if they have any personal interest therein. For this purpose, each member of the Selection Committee signs a Declaration of Interests, which is preliminarily evaluated by one of the Human Resources Officers and, where relevant, by the AACC. In the event the Human Resources Officer is a member of a Selection Committee, the preliminary evaluation of his/her declaration shall be made by the other Human Resources Officer. The Selection Committee members shall declare:
  - a. Upon receipt of the list of Applicants, if they have any link or relationship with any of them which could give rise to suspicion of partiality, for example family or social ties in the wider sense or financial links, etc;
  - b. In the course or after the completion of the selection procedure, if they have received undue influence from any external party or a member of the Selection Committee itself.
4. The selection procedure and the proceedings of the Selection Committee are confidential. The members of the Selection Committee and the Secretary shall not disclose any information concerning the selection procedure at any point in time.

**Article 7**  
**Decisions and recommendations of the Selection Committee**

1. The Selection Committee takes decisions related to the organisation of its work and the performance of its roles, and provides recommendations to the AACC for decisions falling into his/her competence.
2. The decisions of the Selection Committee are valid only if all its members are present.
3. The Selection Committee shall state the reasons underlying its decisions and recommendations.

## **Chapter III – PROCESSING OF APPLICATIONS, ORAL INTERVIEW AND WRITTEN EXAMINATION**

### **Article 8 Submission of Applications**

1. Applications shall be compiled and submitted in accordance with the instructions laid down in the selection notice.
2. The applications received after the deadline or those which do not comply with the instructions contained in the selection notice shall not be considered valid for the selection procedure.

### **Article 9 Pre-screening of applications**

1. In order to facilitate the work of the Selection Committee, the Human Resources team may verify the validity of applications and pre-screen them against the eligibility criteria. The outcome of the pre-screening shall be brought to the attention of the Selection Committee, who is in any case responsible to decide on the eligibility of each Applicant.
2. The eligibility of the Applicants against the language requirements will be assessed at the time of the written examination and oral interview and tested according to Article 13 of these Rules of Procedure. Communication and other personal skills will be assessed at the stage of the written examination and oral interview, as specified in the selection notice.

### **Article 10 Screening of applications**

1. The Selection Committee shall assess each application and conclude on their validity against the eligibility and the selection criteria. The Selection Committee shall employ a clear methodology for evaluating the Applicants against the selection criteria, according to the information contained in the applications. Selection criteria shall be scored from 0 points (criterion not fulfilled) to 5 points (criterion completely fulfilled). In case advantageous criteria have been established, they shall be scored from 0 points (criterion not fulfilled) to 1 point (criterion partially fulfilled) to 2 points (criterion completely fulfilled).
2. Each Selection Committee member shall evaluate and score every application against all the selection and advantageous criteria. An average shall be calculated for each criterion on the basis of the individual scores of the Selection Committee members. The final score of each application is defined by the sum of the above-mentioned averages. Applicants shall be ranked according to their final score, from the highest to the lowest.



3. The group of the highest scoring Applicants (hereinafter referred to as “Candidates”) shall be invited for a written examination and an oral interview with the Selection Committee. The number of invited Candidates shall be between a minimum of six and a maximum of eight. In case of equal merit, the number of Candidates invited may be exceeded at the discretion of the Selection Committee.
4. In case the number of applications is not enough to make it likely that at least six eligible Candidates are invited for the written examination and the oral interview, the AACC may decide to extend the deadline for submitting application or cancel the procedure.

### **Article 11** **Written examination and oral interview**

1. The selection procedure shall be composed of the following parts:
  - a written examination, and
  - an oral interview.
2. The written examination can take place as an individual test or in a group session, depending on the decision of the Selection Committee.
3. In order to assess the competencies of Applicants according to the requirements set out in the selection notice, prior to the evaluation of the applications the Selection Committee shall establish the content, the questions and the duration of both the written examination and oral interviews, which shall be the same for all Candidates.
4. For each Candidate, an individual evaluation sheet shall be completed by the Selection Committee. The evaluation sheet contains, where relevant, the observations of the Selection Committee members and indicates the scores assigned by each Selection Committee member for every question of the written examination and the oral interview.

### **Article 12** **Anonymity during the written examination**

1. In order to maintain the anonymity of the Candidates during the written examination, the Secretary establishes a reference sheet for each Candidate, containing an individual reference number (‘ID’).
2. Candidates shall indicate the given ID on their written examination sheet.
3. After the finalisation of the written examination, the Secretary shall print the Candidates’ replies for the written examination and shall place them in a sealed envelope reporting the ID number assigned to them.

4. The written examination sheet of each Candidate contained in the sealed envelope shall not contain any sign, such as initials, signatures or any other differentiating sign other than the ID, which may allow the identification of the Candidate. Otherwise, the Candidate may be disqualified by the Selection Committee.
5. The list of individual reference numbers shall be held by the Secretary and shall be disclosed to the Selection Committee only after the completion of the assessment of all the oral interviews and written examinations.
6. The selection procedure reference sheet is confidentially archived in the relevant selection procedure file together with the evaluation sheets and the original of the written examination of the Candidates.

**Article 13**  
**Assessment of the knowledge of EU languages**

1. During the oral interview, the Selection Committee shall test each Candidate against the requirements concerning the knowledge of two EU languages.
2. For the knowledge to be confirmed, the Candidate's language skills should meet the minimum criteria defined by the Common European Framework of Reference for Languages (CEFR), specifically level C1 for the first language (thorough knowledge) and level B2 for the second language (satisfactory knowledge).
3. Given the nature of the Agency's tasks, its working language regime and the requirements of the service, the knowledge of the English language at level C2 is essential for most of the positions; applicants might be required to provide an official certificate to prove such knowledge.
4. The level of knowledge of the English language and any additional language requirement shall be clearly specified in the selection notice and shall be assessed by the Selection Committee at the time of the written examination and oral interview.
5. The Selection Committee may resort to external assessors to appraise Candidates with respect to their ability to understand and communicate in their second EU language when such expertise is not available among the Selection Committee members. External assessors may also be used to appraise a Candidate against his/her ability to understand and communicate in his/her first EU language, when such expertise is not available among the Selection Committee members and the documentation provided by the Candidate does not prove such an ability.
6. Adequacy of the communication ability in two EU languages should at a minimum involve the ability to expand on not less than two open-ended questions in a clearly formulated fashion.
7. Where the Selection Committee decides to use external assessors for the appraisal of the knowledge of EU languages, the Human Resources team shall provide the necessary

administrative assistance. The Selection Committee shall consider the results of the language assessments carried out by the external assessor.

## **Chapter IV – ESTABLISHMENT OF A RESERVE LIST**

### **Article 14**

#### **Establishment of the reserve list**

1. The Selection Committee, with the assistance of the Secretary, shall draft the minutes of the selection procedure, providing information on the assessment of each Candidate, the rationale behind the decisions and the discussion over the attribution of points.
2. Upon closure of the assessment of the Candidates, the Selection Committee, with the assistance of the Secretary, shall provide the AACC with the minutes of the selection procedure and the short-list containing the names of the Candidates who, on the basis of such an assessment, have achieved a mark equal to or higher than 70 points out of 100 or 70% of the total points. Candidates on the short-list are listed in the descendent order of the total scores they received in the selection procedure.
3. On the basis of the minutes of the selection procedure, the AACC shall establish a reserve list of Candidates. Candidates on the reserve list shall be listed in alphabetic order, with the indication of the total score obtained by each Candidate.
4. Before appointing a Candidate for a position, the AACC may interview the Candidate(s) included in the reserve list, possibly availing him/herself of an external member (from another European Institution, Body, Agency, Office, subject to the Staff Regulations and the CEOS) or a Staff Committee Member. The decision of the AACC on interviewing candidates from the Reserve list shall be duly reasoned.
5. In case the final appointment is decided for a Candidate who is not the first in the reserve list rank, a reasoned decision of the AACC shall be adopted.

## **Chapter V – CLOSURE OF THE SELECTION PROCEDURE**

### **Article 15**

#### **Information to Candidates of the results of the selection procedure**

1. Upon adoption of a reserve list, all Applicants and Candidates shall be informed of the outcome of the selection procedure by the Secretary of the Selection Committee.